

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 21, 1997

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J. (Assigned), and V. Salas, Deputy Clerk.

B107602 Cantu
 v.
 YMCA, etc.

Merits:

Argued by Ed Horowitz for appellant and by Alex H. Cherin for respondent. Cause submitted.

B096947 Fetchik, et al.
 v.
 Circuit City Stores, Inc.

Merits:

Argued by B. Daniel Lynch for appellants and by Barbara A. Reeves for appellant. Cause submitted.

B091481 Castillo
 v.
 Marriot Corp., et al.

Merits:

Argued by Joel Warren for appellant and by Paul Lipman for respondents. Cause submitted.

DIVISION ONE (Continued)

B104277 People
 v.
 Yacotis

Merits:

Argued by Esther R. Sorkin for appellant and by Rama R. Maline, Deputy Attorney General, for respondent. Cause submitted.

B108813 Catalano
 v.
 Caplan

Merits:

Argued by Cynthia A.R. Woollacott for appellants and by Robert G. Klein for respondents. Cause submitted.

B100116 People
 v.
 Faucett

Merits:

Argued by Carlo Andreani for appellant and by Donald J. Oeser, Deputy Attorney General, for respondent. Cause submitted.

B092615 People v. Phillips
B110266 In re Phillips on Habeas Corpus

Merits:

Argued by Leonard J. Klaif for appellant and by Lawrence M. Daniels, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B103785 Carraway
 v.
 L.A. Community College Dist.

Merits:

Argued by Michael Anatole for appellant and by Camille A. Goulet, Deputy Attorney General, for respondent. Cause submitted.

B105234 People v. Serin
B112666 In re Serin on Habeas Corpus

Merits:

Argued by Bruce D. Rosen for appellant and by Sunnie Lee, Deputy Attorney General, for respondent. Cause submitted.

B105423 Ogata
 v.
 Wolfberg

Merits:

Argued by Aiko Ogata, appellant in propria persona and by Daniel B. Wolfberg for respondent. Cause submitted.

B110370 Huffman
 v.
 Co. of L.A. et al.

Merits:

Argued by Carol A. Watson for appellant and there being no appearance on behalf of respondents. Cause submitted.

DIVISION ONE (Continued)

B097430 Link

v.

Cater et al.

Merits:

Argued by Paul F. Moore, II, for appellant and by Owen L. Gallagher, Deputy County Counsel, for respondents. Cause submitted.

B114654 Monique W.

v.

S.C.L.A.

(DCFS, r.p.i.)

Merits:

Argued by Michael L. Moore for petitioner and by Jill Regal, Deputy County Counsel, for real party in interest and by Lisa Rozzano for minor. Cause submitted.

B107751 Mendoza, et al.

v.

American Emergency Physicians Med. Grp.

Merits:

Argued by Mark Burke for appellants and by George Stephen for respondent. Cause submitted.

B106074 People

v.

Prince

Merits:

Argued by Carlo Andreani for appellant and by Valerie A. Baker, Deputy Attorney General, for respondent. Cause submitted.

Justice Masterson leaves the bench.

DIVISION ONE (Continued)

B101217 Elliott et al.
 v.
 Franchise Tax Board

Merits:
Argued by Matthew K. Ross for appellants and by W. Dean Freeman,
Deputy Attorney General, for respondent. Cause submitted.

B105468 People
 v.
 Shoulders

Merits:
Argued by Matthew Alger for appellant and by Anh T. Nguyen, Deputy
Attorney General, for respondent. Cause submitted.

B097387 Fouce Amusement Enterprises, Inc.
 v.
 Metropolitan Property Associates, et al.

Merits:
Argued by Alexandra S. Ward for appellant and by John H. Brinsley for
respondents. Cause submitted.

Presiding Justice Spencer leaves the bench.

B096579 Brentwood Bank of Calif.
 v.
 American Mutual Mortgage, Inc. et al.

Merits:
Argued by David J. Ozeran for appellant and by Barry R. Schlom for
appellants. Cause submitted.

Court adjourned.

October 21, 1997-Continued

DIVISION ONE (Continued)

B108978	People v. Molina	(Not for Publication)
B114411	In Re Molina on Habeas Corpus	

The judgment is affirmed, and the petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B104257	People
	v.
	Elias

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION FOUR

B110269	People	(Not for Publication)
	v.	
	Abreo	

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Baron, J.

October 21, 1997-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B099253 People (Not for Publication)
v.
Springette & Moses

The abstract of judgment for appellant Moses is corrected to reflect a finding under Penal Code section 12022, subdivision (b) rather than section 12022.5. The judgments are otherwise affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B107829 People (Not for Publication)
v.
Lozano

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

October 21, 1997-Continued

DIVISION FOUR (Continued)

B096424 People (Not for Publication)
v.
Prentice

The judgment is reversed and the matter remanded for new trial.

Hastings, J.

We concur: Epstein, Acting P.J.
Baron, J.

DIVISION FIVE

B107864 Liberty Mutual Fire Insurance Company (Not for Publication)
v.
ADT Security Systems, West., Inc.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION SIX

B095490 Ricigliano (Not For Publication)
v.
Horton

Filed order granting petition for rehearing.

DIVISION SIX (Continued)

B105270 People (Not for Publication)
v.
Perez

The three-year enhancement is stricken as to count I. The trial court is ordered to issue an amended abstract of judgment on count I to reflect a sentence of 15 years to life, plus 1 year for use of a weapon. (§§ 190, subd. (a); 12022, subd. (b).) This results in an aggregate unstayed term of 24 years to life. The judgment in all other respects is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B110648 People v. Wickham (Not for Publication)

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

B106315 Department of Corrections (Not for Publication)
v.
California Correctional Peace Officers

The judgment is affirmed. CCPOA is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

October 21, 1997-Continued

DIVISION SIX (Continued)

B106402 Gilbert (Not for Publication)

V.
Sanwa Bank California

The judgment (order denying petition to probate the 1965 will and order approving the second and final account) is affirmed with costs to Sanwa Bank.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B113181 People (Not for Publication)

v.
Tarango

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

B098096 Smith (Not for Publication)

V.
Blue Ridge Insurance Company

The judgment is affirmed. Respondent shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

October 21, 1997-Continued

DIVISION SEVEN (Continued)

B098697 DRG/Beverly Hills, Ltd. (Not for Publication)
 v.
 Chopstix Dim Sum Cafe

The judgment is affirmed. Respondent shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

B109450 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Glenn J.

Appeal dismissed.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.